

# Exhibit 1

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION  
THE SOUTH CAROLINA  
STATE CONFERENCE OF  
THE NAACP, et al,  
Plaintiffs,  
vs. CASE NO.  
3:21-CV-03302-MBS-TJH-RMG  
THOMAS C. ALEXANDER,  
et al,  
Defendants.  
VIDEOCONFERENCE  
DEPOSITION OF: WILLIAM ROBERTS  
DATE: July 7, 2022  
TIME: 9:35 a.m.  
LOCATION: 1310 Gadsden Street  
Mahogany Conference Room  
Columbia, SC  
TAKEN BY: Counsel for the Plaintiffs  
REPORTED BY: ERIC GLAZIER, Court Reporter

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| <p>1 APPEARANCES OF COUNSEL VIA VIDEOCONFERENCE:<br/>2<br/>3 ATTORNEYS FOR THE PLAINTIFFS:<br/>4 NAACP LEGAL DEFENSE AND EDUCATIONAL<br/>5 FUND<br/>6 BY: JOHN S. CUSICK<br/>7 40 Rector Street<br/>8 5th Floor<br/>9 New York, NY 10006<br/>10 (212) 965-2269<br/>11 Jcusick@naacpldf.org<br/>12<br/>13 and<br/>14<br/>15 AMERICAN CIVIL LIBERTIES UNION<br/>16 BY: ADRIEL CEPEDA DERIEUX<br/>17 125 Broad Street<br/>18 18th Floor<br/>19 New York, NY 10004<br/>20 (212) 549-2500<br/>21 Acepedaderieux@aclu.org<br/>22<br/>23 ATTORNEYS FOR DEFENDANTS<br/>24 THOMAS C. ALEXANDER, in his official<br/>25 capacity as President of the Senate;<br/>LUKE A. RANKIN, in his official<br/>capacity as Chairman of the Senate<br/>Judiciary Committee:<br/>ROBINSON GRAY<br/>BY: ROBERT E. TYSON<br/>1310 Gadsden Street<br/>Columbia, SC 29201<br/>(803) 929-1400<br/>Rtyson@robinsongray.com<br/>and<br/>JONES DAY<br/>BY: JOHN M. GORE<br/>51 Louisiana Avenue NW<br/>Washington, DC 20001<br/>Jmgore@jonesday.com</p>  | <p>Page 2</p> <p>1 PROCEEDINGS<br/>2 -----<br/>3 COURT REPORTER: The attorneys<br/>4 participating in this deposition acknowledge that<br/>5 the reporter is not physically present in the<br/>6 deposition room and that the reporter will be<br/>7 reporting this deposition remotely.<br/>8 They further acknowledge that in lieu<br/>9 of an oath administered in person, I will<br/>10 administer the oath remotely.<br/>11 If any party has an objection to this<br/>12 manner of reporting, please state it now.<br/>13 Hearing none, I will proceed.<br/>14 WILLIAM ROBERTS,<br/>15 being first duly sworn, testified as follows:<br/>16 EXAMINATION<br/>17 BY MR. CUSICK:<br/>18 Q. Good morning, Mr. Roberts. My name is<br/>19 John Cusick. I'm one of the attorneys representing<br/>20 the plaintiffs in this lawsuit, The South Carolina<br/>21 State Conference of the NAACP vs. Alexander.<br/>22 If you don't mind, could you please<br/>23 state your full name for the record, spelling your<br/>24 first and last name?<br/>25 A. My name is William Francis Roberts, Jr.</p> <p>Page 4</p> |
| <p>1 ATTORNEYS FOR DEFENDANTS<br/>2 JAMES H. LUCAS, in his official<br/>3 capacity as Speaker of the House of<br/>4 Representatives; CHRIS MURPHY, in his<br/>5 official capacity as Chairman of the<br/>6 House of Representatives Judiciary<br/>7 Committee; WALLACE H. JORDAN, in his<br/>8 official capacity as Chairman of the<br/>9 House of Representatives Elections Law<br/>10 Subcommittee:<br/>11<br/>12 NEXSEN PRUET<br/>13 BY: ANDREW MATHIAS<br/>14 104 South Main Street<br/>15 Suite 900<br/>16 Greenville, SC 29601<br/>17 (864) 282-1195<br/>18 Amathias@nexsenpruet.com<br/>19<br/>20 ATTORNEYS FOR DEFENDANTS<br/>21 JOHN WELLS, Chair, JOANNE DAY, CLIFFORD<br/>22 J. EDLER, LINDA McCALL, and SCOTT<br/>23 MOSELEY, in their official capacities<br/>24 as members of the South Carolina<br/>25 Election Commission:<br/>BURR &amp; FORMAN<br/>BY: JANE W. TRINKLEY<br/>MICHAEL R. BURCHSTEAD<br/>1221 Main Street<br/>Suite 1800<br/>Columbia, SC 29201<br/>(803) 753-3241<br/>Jtrinkley@burr.com<br/>Mburchstead@burr.com<br/>ALSO PRESENT VIA VIDEOCONFERENCE:<br/>MARGARET LEATHERWOOD<br/>CYNDI NYGORD<br/><br/>(INDEX AT REAR OF TRANSCRIPT)</p> <p>Page 3</p> | <p>Page 5</p> <p>1 W-I-L-L-I-A-M is the first name. Last name is<br/>2 Roberts, R-O-B-E-R-T-S.<br/>3 Q. Great. Thank you.<br/>4 MR. CUSICK: And I'll just take a<br/>5 moment now, if everybody in the virtual room, if<br/>6 you will, who is planning to make an appearance,<br/>7 will do so in a moment.<br/>8 And I'll start with any of your counsel<br/>9 in your room, Mr. Roberts.<br/>10 MR. GORE: Good morning. This is John<br/>11 Gore of Jones Day for senate defendants Rankin and<br/>12 Alexander.<br/>13 MR. TYSON: And Rob Tyson. I'm with<br/>14 John and Will.<br/>15 MR. MATHIAS: And this is Andrew<br/>16 Mathias with Nexsen Pruet on behalf of the<br/>17 individual house defendants. With me in the room<br/>18 is Meg Leatherwood, who's a Georgetown law student<br/>19 and summer associate with us at Nexsen Pruet.<br/>20 MS. TRINKLEY: This is Jane Trinkley<br/>21 with Burr &amp; Forman. I represent the election<br/>22 defendants.<br/>23 MR. DERIEUX: Hi. This is Adriel<br/>24 Cepeda of the ACLU, also representing the<br/>25 plaintiffs.</p>                        |

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| <p style="text-align: right;">Page 14</p> <p>1 maps?</p> <p>2 A. Yes.</p> <p>3 Q. Did you discuss any maps that were</p> <p>4 produced during that conversation not by members of</p> <p>5 the senate?</p> <p>6 A. Could you clarify what you mean by,</p> <p>7 discuss the maps?</p> <p>8 Q. I might have misheard you, but you</p> <p>9 talked about timelines for when you received maps</p> <p>10 or proposed maps; is that right?</p> <p>11 A. That's correct.</p> <p>12 Q. And did that include all maps that were</p> <p>13 submitted during the congressional redistricting</p> <p>14 cycle or just maps proposed or created by the</p> <p>15 senate?</p> <p>16 A. That would have been -- it would have</p> <p>17 been maps from outside parties.</p> <p>18 Q. And who would those outside parties</p> <p>19 have been?</p> <p>20 A. I don't recall the exact name of the</p> <p>21 organization that submitted them.</p> <p>22 Q. Do you know what a type of -- let me</p> <p>23 rephrase that.</p> <p>24 Was it a partisan organization?</p> <p>25 A. Yes.</p>  | <p style="text-align: right;">Page 16</p> <p>1 process.</p> <p>2 Q. Do you recall how many maps were</p> <p>3 submitted?</p> <p>4 A. I believe there was three.</p> <p>5 Q. Three maps? Do you recall the timeline</p> <p>6 for when they were shared with you?</p> <p>7 A. I know that two maps were sent at first</p> <p>8 and then a third map was sent later on. I do not</p> <p>9 know the timeline of when that occurred or where we</p> <p>10 were in the process.</p> <p>11 Q. Would Mr. Fiffick have a better</p> <p>12 understanding of the timeline?</p> <p>13 A. They were sent to him, so I would</p> <p>14 assume he has documentation of when those were</p> <p>15 sent.</p> <p>16 Q. And then he forwarded those maps to</p> <p>17 you?</p> <p>18 A. We tried to forward them over to us to</p> <p>19 load them into the computer, but something was</p> <p>20 going on with the email accounts, but somehow we</p> <p>21 got them loaded into the computer to review.</p> <p>22 Q. Were they shared via Google Drive?</p> <p>23 A. I'm not sure how they were shared.</p> <p>24 Q. Do you have an understanding of this</p> <p>25 lawsuit at all?</p>  |
| <p style="text-align: right;">Page 15</p> <p>1 Q. Would it have been the National</p> <p>2 Republican Redistricting Trust?</p> <p>3 A. Yes.</p> <p>4 Q. And why did you talk about the timeline</p> <p>5 for that submission of that map?</p> <p>6 A. We couldn't remember when those maps</p> <p>7 were submitted.</p> <p>8 Q. Have you been in contact with anyone</p> <p>9 from the National Republican Redistricting Trust?</p> <p>10 A. No.</p> <p>11 Q. Do you know who Mr. Adam Kincaid is?</p> <p>12 A. I've heard the name. Never spoke to</p> <p>13 him. Don't know who he is.</p> <p>14 Q. Did Mr. Fiffick share maps with you</p> <p>15 that were proposed by the National Republican</p> <p>16 Redistricting Trust?</p> <p>17 A. Yes.</p> <p>18 Q. And that was during the redistricting</p> <p>19 cycle?</p> <p>20 A. That's correct.</p> <p>21 Q. Did the discussion concern any other</p> <p>22 maps outside of those that were produced by the</p> <p>23 National Republican Redistricting Trust?</p> <p>24 A. No. We were just trying to get a</p> <p>25 timeline of when they were submitted in the</p> | <p style="text-align: right;">Page 17</p> <p>1 A. Not really.</p> <p>2 Q. Are you familiar with the claims that</p> <p>3 are being alleged by plaintiffs?</p> <p>4 A. I don't know what the claims are. I</p> <p>5 haven't read the lawsuit.</p> <p>6 Q. Have you been deposed before?</p> <p>7 A. Yes.</p> <p>8 Q. In a personal or professional capacity?</p> <p>9 A. A professional capacity.</p> <p>10 Q. When was that?</p> <p>11 A. Several years ago. I don't know the</p> <p>12 exact year.</p> <p>13 Q. What was the nature of the dispute?</p> <p>14 A. So the previous office that I worked</p> <p>15 for was required to run election reports, and what</p> <p>16 we would do is, we would take the voter file from</p> <p>17 the state election commission and we would run that</p> <p>18 through our GIS system. And what that would</p> <p>19 produce is a map -- or actually map the individual</p> <p>20 voters of the voter file so that we could compare</p> <p>21 the districts that they were assigned to, to what</p> <p>22 districts that they actually fell in on the map.</p> <p>23 And so we began this process back</p> <p>24 probably mid-2000s. And so there was a budget</p> <p>25 proviso put into the budget that required us to</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 A. Yes.</p> <p>2 Q. And who gave you that instruction?</p> <p>3 A. That would have been a request by</p> <p>4 Congressman Clyburn.</p> <p>5 Q. Sorry. I think the...</p> <p>6 (Off-the-record conference to address a</p> <p>7 technical issue)</p> <p>8 BY MR. CUSICK:</p> <p>9 Q. Unfortunately, I'll have to repeat this</p> <p>10 question just to make sure we're on the same page</p> <p>11 for setting these other ones up.</p> <p>12 We were talking about what you said, an</p> <p>13 instruction from Representative Clyburn. Do you</p> <p>14 recall that?</p> <p>15 A. That's cor- -- yes.</p> <p>16 Q. And could you repeat the instruction</p> <p>17 that you said you were given?</p> <p>18 A. They were looking for a minimal-change</p> <p>19 plan.</p> <p>20 Q. You said, least-change plan?</p> <p>21 A. Minimal-change plan, yes.</p> <p>22 Q. Minimal-change plan.</p> <p>23 Was that specific to Congressional</p> <p>24 District Six or for all congressional districts?</p> <p>25 A. I'm not really sure.</p>   | <p style="text-align: right;">Page 80</p> <p>1 Q. Got it.</p> <p>2 Was the map that they provided ever</p> <p>3 publically posted?</p> <p>4 A. No, it was not.</p> <p>5 Q. Did you share it with any members of</p> <p>6 the redistricting subcommittee?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know who would recall?</p> <p>9 A. Possibly Andy or Charlie.</p> <p>10 Q. Why wouldn't you post a map that was</p> <p>11 proposed online to the portal?</p> <p>12 A. It was not submitted through the</p> <p>13 portal, and it was an eight-and-a-half-by-eleven</p> <p>14 printed sheet of paper.</p> <p>15 Q. Would it have been possible to ask for</p> <p>16 a map to upload publicly?</p> <p>17 A. Possibly.</p> <p>18 Q. So were maps that were only submitted</p> <p>19 through the portal publicly uploaded?</p> <p>20 A. I'd have to go back and look and see</p> <p>21 what's up on the web now. I can't recall.</p> <p>22 Q. Could it have been scanned and</p> <p>23 uploaded?</p> <p>24 A. That's possible, yes.</p> <p>25 Q. Do you think it would have been</p>   |
| <p style="text-align: right;">Page 79</p> <p>1 Q. You didn't ask any questions to follow</p> <p>2 up?</p> <p>3 A. No. They had brought us a map of what</p> <p>4 they proposed as far as the district, and from what</p> <p>5 we could tell looking at the map, it was a</p> <p>6 minimal-change district just for the sixth</p> <p>7 congressional district, or for Senator --</p> <p>8 Congressman Clyburn's district.</p> <p>9 Q. And just so the record's clear, you</p> <p>10 said when you looked, it looked like a</p> <p>11 minimal-change plan. Did they actually ever say it</p> <p>12 was a minimal-change plan?</p> <p>13 A. Yes. Yes, they -- that's what they</p> <p>14 requested.</p> <p>15 Q. And was this specific to just</p> <p>16 Congressional District Six, the map that you were</p> <p>17 shown?</p> <p>18 A. It was of just Congressional District</p> <p>19 Six. That's correct.</p> <p>20 Q. So was the instruction by -- that you</p> <p>21 understood for minimal change just related to</p> <p>22 Congressional District Six?</p> <p>23 A. Yes, as well as the seventh</p> <p>24 congressional district, which we were told, don't</p> <p>25 mess with the seventh congressional district.</p> | <p style="text-align: right;">Page 81</p> <p>1 appropriate for members of the public to understand</p> <p>2 a map that was proposed by a congressman?</p> <p>3 A. Was not my call to make.</p> <p>4 Q. Whose call was it to make?</p> <p>5 A. Either Andy or Charlie.</p> <p>6 Q. Who made the call?</p> <p>7 A. I don't recall.</p> <p>8 Q. Based on your experience in drawing</p> <p>9 maps, do you think it's helpful to share plans that</p> <p>10 might be being considered as you're drawing maps</p> <p>11 with members of the public?</p> <p>12 A. Yes.</p> <p>13 Q. What are the benefits of that?</p> <p>14 A. Provide -- get public input back on --</p> <p>15 and feedback back on the map.</p> <p>16 Q. Did you ever share with any members of</p> <p>17 the public that you were instructed to draw a</p> <p>18 minimal change for Congressional District Six?</p> <p>19 A. Yes. I believe it was in public</p> <p>20 testimony when we rolled out the senate staff plan.</p> <p>21 Q. That you were instructed by</p> <p>22 Representative Clyburn's office to draw a</p> <p>23 minimal-change map for CD Six?</p> <p>24 A. I don't think we -- I did not state</p> <p>25 that it was from Congressman Clyburn to draw a</p> |

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| <p style="text-align: right;">Page 110</p> <p>1 Q. Did you expect members to ask for BVAP<br/>2 breakdowns?</p> <p>3 A. Yes. We produce those reports as well.</p> <p>4 Q. Who made the request for breakdowns for<br/>5 the data -- for the partisan breakdown data from<br/>6 the subcommittee?</p> <p>7 A. I know for a fact that Senator Campsen<br/>8 requested it, but I believe -- I'd have to go back<br/>9 and look at the notes. I think everybody is<br/>10 provided with the same information. But there was<br/>11 some specific request from Senator Campsen for the<br/>12 information.</p> <p>13 Q. Did you make it aware to all<br/>14 subcommittee members that you had access to this<br/>15 data?</p> <p>16 A. Yes.</p> <p>17 Q. Was that conveyed via email or other<br/>18 means?</p> <p>19 A. I don't remember how it was conveyed to<br/>20 the members, but everybody knew that we had<br/>21 political data.</p> <p>22 Q. I think you mentioned that you saw data<br/>23 for the most recent election returns. Did I hear<br/>24 that right?</p> <p>25 A. Yes. We had election data for the 2020</p>   | <p style="text-align: right;">Page 112</p> <p>1 Q. Did anybody else make specific requests<br/>2 for certain data like the one you mentioned with<br/>3 Senator Campsen throughout the process?</p> <p>4 A. When we discussed maps with members,<br/>5 that was something we typically discussed with<br/>6 them, was the 2020 election performance in each of<br/>7 the districts.</p> <p>8 Q. You recall discussions with Senator<br/>9 Campsen. Any other discussions about political<br/>10 performance that you participated in with other<br/>11 members?</p> <p>12 A. Yeah. I had a conversation with<br/>13 Senator Grooms. We had two maps that we were<br/>14 looking at, trying to get some feedback on from<br/>15 him. There was two maps. One of them had a<br/>16 smaller Trump -- republican percentage number in<br/>17 the first congressional district than the other.<br/>18 We showed Senator Grooms both maps. He said he<br/>19 liked both of them very much, but only one of them<br/>20 was going to pass the South Carolina general<br/>21 assembly.</p> <p>22 Q. Do you have any sense why he liked one<br/>23 map more than the other?</p> <p>24 A. He said he liked both maps the same,<br/>25 but one was going to pass the South Carolina</p> |
| <p style="text-align: right;">Page 111</p> <p>1 presidential election, as well as the 2016 election<br/>2 cycle as well. I believe it might have been -- I<br/>3 think we had 2020 presidential and senate, and I<br/>4 don't recall exactly what was on the 2016, because<br/>5 we relied heavily on the 2020 presidential election<br/>6 results in the construction of the plans.</p> <p>7 Q. Did you request any primary election<br/>8 results?</p> <p>9 A. I don't recall at this moment.</p> <p>10 Q. Do you know who would recall?</p> <p>11 A. The request for the data from Clark<br/>12 either came from Charlie or Andy.</p> <p>13 Q. And so just to help my own orientation,<br/>14 before any maps were drawn, what information was<br/>15 provided -- what data sources were the<br/>16 redistricting subcommittee made aware of that they<br/>17 could have access to?</p> <p>18 A. We had the 2020 census data and we<br/>19 had -- we had the political data for 2020 and 2016.<br/>20 I just don't know if the members were told that up<br/>21 front or not.</p> <p>22 Q. At any point, did you prepare packets<br/>23 with all of that information based on the maps you<br/>24 drew for all the members to assess?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 113</p> <p>1 general assembly and one wasn't.</p> <p>2 Q. Did he explain why one was and one<br/>3 wasn't?</p> <p>4 A. He did. He said that the map that had<br/>5 the lower republican -- the lower Trump number<br/>6 would not have passed the South Carolina general<br/>7 assembly.</p> <p>8 Q. Was this the only political data that<br/>9 you had access to for congressional redistricting,<br/>10 was what was provided by Mr. Benson -- or was it<br/>11 Mr. Benson? Sorry.</p> <p>12 A. That was the only data that we actually<br/>13 loaded into the mapping system. The state election<br/>14 commission has a large database of previous<br/>15 election results that we downloaded but never<br/>16 pulled into a mapping format.</p> <p>17 Q. Did you have any other contact with any<br/>18 other senators outside of Senator Grooms who are<br/>19 not part of the redistricting subcommittee about<br/>20 congressional redistricting?</p> <p>21 A. Not that I can recall at this moment.</p> <p>22 Q. Do you know if Mr. Terreni or other<br/>23 folks were involved in any, and then you received<br/>24 information about those conversations or contact?</p> <p>25 A. You'd have to ask them.</p>                 |

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| <p style="text-align: right;">Page 134</p> <p>1 A. It's something we took under<br/>2 consideration in drafting the maps.<br/>3 MR. CUSICK: I'm now going to mark an<br/>4 email from Madison Faulk to Maxine Henry titled,<br/>5 meeting minutes, which includes attachments of<br/>6 meeting minutes. It's from public hearings Bates<br/>7 stamp numbering, South Carolina Senate ending in<br/>8 24941 through 24942 as Plaintiff's Exhibit 7. I'll<br/>9 pull it up on the screen in a moment.<br/>10 DEFENSE COUNSEL: Which tab is it,<br/>11 John?<br/>12 MR. CUSICK: This should be Tab 30.<br/>13 (PLF. EXHIBIT 7, EMAIL RE: MEETING<br/>14 MINUTES AND ATTACHMENT, was marked for<br/>15 identification.)<br/>16 BY MR. CUSICK:<br/>17 Q. So the first page is an email between<br/>18 Madison Faulk and Maxine Henry. And then the<br/>19 second is just the first page of a summary of<br/>20 testimony at some of these hearings, just the<br/>21 August 2nd one. I will not be going over each one,<br/>22 just a general placeholder here for you.<br/>23 I just want to see, do you recall at<br/>24 all ever seeing these summaries for any of the<br/>25 hearings?</p> | <p style="text-align: right;">Page 136</p> <p>1 which public comments influenced which lines.<br/>2 Q. And so did you go back and review<br/>3 public comments?<br/>4 A. No. It was just something that we<br/>5 picked up, that I can recall, during public<br/>6 testimony.<br/>7 Q. Do you recall if there was a transcript<br/>8 at all created, documenting all the public<br/>9 comments?<br/>10 A. I know there was a court reporter<br/>11 present at the meetings.<br/>12 Q. Do you think it would have been<br/>13 beneficial to hold additional hearings after the<br/>14 redistricting criteria was adopted by the senate?<br/>15 A. That wasn't a decision that would have<br/>16 been up to me to make.<br/>17 Q. Even if it wasn't your decision, would<br/>18 it have been helpful, based on your experience as a<br/>19 map drawer?<br/>20 A. I'd say, not really, because a lot of<br/>21 the public comments we got was complaining about<br/>22 the redistricting process. It wasn't really<br/>23 helpful when we were out -- from a mapping<br/>24 standpoint, I was out there to find out what the<br/>25 community's interests were from the public, and all</p> |
| <p style="text-align: right;">Page 135</p> <p>1 A. Yeah, I don't recall looking at these<br/>2 written summaries.<br/>3 Q. Did you take notes during the public<br/>4 hearings that you attended?<br/>5 A. Not that I recall, no.<br/>6 Q. How did you keep track of testimony and<br/>7 other things that were commented during the<br/>8 hearings to make sure you were incorporating that<br/>9 in any work that you conducted?<br/>10 A. Could you repeat that question?<br/>11 Q. You said you don't recall if you took<br/>12 notes?<br/>13 A. I did not take notes.<br/>14 Q. Did not take notes.<br/>15 My question, then, was, what did you do<br/>16 to keep track of the information that was being<br/>17 disclosed at these hearings?<br/>18 A. I just listened to the public testimony<br/>19 that was given.<br/>20 Q. And so could you walk me through how<br/>21 the public testimony from these ten hearings<br/>22 factored into the maps that you drew for<br/>23 congressional redistricting?<br/>24 A. If I had a copy of the map in front of<br/>25 me, I could walk you through the map and tell you</p>   | <p style="text-align: right;">Page 137</p> <p>1 we got was a lot of feedback that they didn't like<br/>2 the process, that it was rigged, and there was a<br/>3 negative sentiment from the public. We really<br/>4 didn't even make it out on the floor as a<br/>5 cartographer.<br/>6 Q. So in these ten hearings, you said you<br/>7 didn't get many information that you relied on as a<br/>8 cartographer?<br/>9 A. That's correct.<br/>10 Q. And so what did you look to outside of<br/>11 these hearings for assessing public input or public<br/>12 comments to help you as a cartographer in drawing<br/>13 congressional redistricting maps?<br/>14 A. Really just relied upon the public<br/>15 comments at these hearings.<br/>16 Q. You heard complaints, you said, about<br/>17 the process being rigged?<br/>18 A. Yeah, some of the -- being<br/>19 nontransparent and behind closed doors.<br/>20 Q. Did you hear any complaints that were<br/>21 similar after those hearings about the process not<br/>22 being transparent?<br/>23 A. I don't recall.<br/>24 Q. Do you think it would have been<br/>25 helpful, providing those instructions you received</p>        |

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| <p style="text-align: right;">Page 166</p> <p>1 criteria that didn't involve legal questions?</p> <p>2 A. Not that I can recall.</p> <p>3 Q. Do you know if any assessment of</p> <p>4 whether this map complied with the Voting Rights</p> <p>5 Act was conducted?</p> <p>6 A. I have no idea.</p> <p>7 Q. Did you take any steps from a technical</p> <p>8 side to ensure that this map complied with</p> <p>9 redistricting criteria?</p> <p>10 A. We ran a continuity check on it to make</p> <p>11 sure everything was contiguous according to the</p> <p>12 software algorithm, made sure that everything was</p> <p>13 also assigned so there was no unassigned population</p> <p>14 in the map. And that's all I can recall at this</p> <p>15 moment.</p> <p>16 Q. Even if you didn't conduct an RPV</p> <p>17 analysis, do you know if any was contemplated or</p> <p>18 conducted on this map, or for this map?</p> <p>19 A. I don't know.</p> <p>20 Q. Have you heard the term, effectiveness</p> <p>21 analysis?</p> <p>22 A. No, I have not.</p> <p>23 Q. If I explained it as a study of two or</p> <p>24 more redistricting plans using a set of metrics to</p> <p>25 assess opportunities for voters, does that at all</p> | <p style="text-align: right;">Page 168</p> <p>1 conducted for how this map might compare to other</p> <p>2 ones that were proposed by members of the public?</p> <p>3 A. Not that I'm aware of. We had no set</p> <p>4 target or benchmark that we were trying to draw to</p> <p>5 as far as racial make-up.</p> <p>6 Q. How did you determine what the BVAP</p> <p>7 would be in each district?</p> <p>8 A. There was no set target we were trying</p> <p>9 to get to for the BVAP in each district. That's</p> <p>10 just the calculation the software provides once the</p> <p>11 district's drawn.</p> <p>12 Q. But it would be fair to say that you</p> <p>13 can control what those targets were based on the</p> <p>14 districts you were proposing in Maptitude?</p> <p>15 DEFENSE COUNSEL: Objection.</p> <p>16 Mischaracterizes testimony.</p> <p>17 A. Can you repeat that one more time?</p> <p>18 Q. Yeah. I was saying that, the BVAP</p> <p>19 would change based on edits you were making in the</p> <p>20 Maptitude software, right?</p> <p>21 A. That's correct.</p> <p>22 Q. Was there any discussion on what the</p> <p>23 BVAP should be in CD Six, whether it should</p> <p>24 increase, decrease, or stay the same compared to</p> <p>25 the benchmark plan?</p> |
| <p style="text-align: right;">Page 167</p> <p>1 seem consistent or accurate with anything you've</p> <p>2 heard about it?</p> <p>3 A. Can you say that one more time?</p> <p>4 Q. I guess maybe a simpler way is, were</p> <p>5 there any assessments conducted that compared two</p> <p>6 maps for how they might perform for certain voters?</p> <p>7 A. We did compare -- we did do sheets and</p> <p>8 reports comparing this map to the benchmark map.</p> <p>9 Q. On what metrics for the comparison</p> <p>10 purposes?</p> <p>11 A. Looked at population, looked at racial</p> <p>12 make-up of the districts, as well as partisan</p> <p>13 numbers.</p> <p>14 Q. And for the partisan numbers, was that</p> <p>15 based on the 2020 presidential elections?</p> <p>16 A. Primarily, yes.</p> <p>17 Q. Any other elections?</p> <p>18 A. We did have 2016 data, but I don't</p> <p>19 believe it was used in any kind of analysis.</p> <p>20 Q. We talked earlier about assessments to</p> <p>21 see if maps might perform for racial minorities to</p> <p>22 elect candidates of their choice.</p> <p>23 Do you recall that discussion?</p> <p>24 A. Yes.</p> <p>25 Q. Were any assessments along those lines</p>                | <p style="text-align: right;">Page 169</p> <p>1 A. Not that I recall.</p> <p>2 Q. Was there any district-by-district</p> <p>3 analysis conducted for each of these before the map</p> <p>4 was publicly posted?</p> <p>5 A. Not that I can recall at this point.</p> <p>6 Q. I heard you say that there weren't any</p> <p>7 targets for BVAP, but were there any other</p> <p>8 discussions about increasing or decreasing BVAP in</p> <p>9 districts outside of CD Six?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. If you kept the core districts the same</p> <p>12 or under a minimal change, would you agree that the</p> <p>13 BVAP would likely stay the same in a congressional</p> <p>14 district?</p> <p>15 A. Say that for me one more time.</p> <p>16 Q. Would you agree that if you were trying</p> <p>17 to retain core constituency or a minimal-change</p> <p>18 map, that you would expect the BVAP within</p> <p>19 congressional districts to relatively be the same</p> <p>20 compared to a benchmark plan?</p> <p>21 DEFENSE COUNSEL: Objection.</p> <p>22 Foundation.</p> <p>23 A. It would depend on the geography -- it</p> <p>24 would depend on the population which you were</p> <p>25 moving into and out of districts.</p>                           |

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| <p style="text-align: right;">Page 178</p> <p>1 Q. As you were drawing these, did you look</p> <p>2 at any statewide or county-level voting patterns?</p> <p>3 A. We looked at the political information</p> <p>4 typically at the VTD level when making these</p> <p>5 changes.</p> <p>6 Q. Did you share with any redistricting</p> <p>7 subcommittee members that there was a goal to</p> <p>8 maximize CD One as republican-leaning?</p> <p>9 A. Can you repeat that question?</p> <p>10 Q. Did you share with any of the</p> <p>11 redistricting subcommittee members a goal to</p> <p>12 maximize CD One to be republican-leaning compared</p> <p>13 to the benchmark plan?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you think it would have been</p> <p>16 helpful?</p> <p>17 A. Possibly.</p> <p>18 Q. And why?</p> <p>19 A. To explain some of the questions we got</p> <p>20 about the way the map worked.</p> <p>21 Q. Do you recall your testimony earlier</p> <p>22 about the process being rigged that you heard</p> <p>23 during public comments?</p> <p>24 A. Could you repeat that again?</p> <p>25 Q. Do you recall what we discussed earlier</p>  | <p style="text-align: right;">Page 180</p> <p>1 Q. Was there an instruction not to use or</p> <p>2 to look at race?</p> <p>3 DEFENSE COUNSEL: Objection. Asked and</p> <p>4 answered.</p> <p>5 A. No, there was no direction not to look</p> <p>6 at it.</p> <p>7 Q. And this just might be my own naivety</p> <p>8 with the software, but is this there -- do you have</p> <p>9 to turn on displays of different demographic</p> <p>10 categories that are included in the Maptitude</p> <p>11 software when you're making changes?</p> <p>12 A. Yes, it's possible to do that.</p> <p>13 Q. And so, I guess, what's displayed on</p> <p>14 the screen when you're making the changes for</p> <p>15 potential demographic categories that could be</p> <p>16 shown?</p> <p>17 A. What we used was basically the total</p> <p>18 population and the percent -- yeah, percent Biden</p> <p>19 number, the percent Trump number when we were</p> <p>20 drawing.</p> <p>21 Q. And so after this initial proposal was</p> <p>22 finalized, was there any discussion of BVAP among</p> <p>23 the districts before it was publicly posted?</p> <p>24 A. Not that I can recall right now.</p> <p>25 Q. Who do you consider the primary</p>                      |
| <p style="text-align: right;">Page 179</p> <p>1 about the redistricting process being rigged that</p> <p>2 members of the public expressed at different</p> <p>3 hearings?</p> <p>4 A. Yes.</p> <p>5 Q. Do you think it would have been helpful</p> <p>6 to share that a goal of CD One was maximizing it</p> <p>7 being republican-leaning?</p> <p>8 A. I wouldn't say the goal is for us to</p> <p>9 maximize this. There's other ways to draw it which</p> <p>10 we could have maximized the republican -- I</p> <p>11 wouldn't say this is the maximization republican</p> <p>12 plan from the first, but it was drawn not to dilute</p> <p>13 the republican percentage in the first.</p> <p>14 Q. And how did you go on about assessing</p> <p>15 dilution of republican voters?</p> <p>16 A. We looked at the benchmark performance</p> <p>17 compared to the map that we were putting together.</p> <p>18 Q. When you were looking at specific VTDs</p> <p>19 that you were moving in and out, did you at all</p> <p>20 look at race of the voters within those VTDs?</p> <p>21 A. No, we did not. We looked strictly at</p> <p>22 the 2020 presidential election results.</p> <p>23 Q. Was it possible to look at race based</p> <p>24 on the software you were using?</p> <p>25 A. That was possible, yes.</p> | <p style="text-align: right;">Page 181</p> <p>1 decision-makers for this proposal?</p> <p>2 A. That would have been the core</p> <p>3 redistricting group of Mr. Terreni, Andy Fiffick,</p> <p>4 myself, Breedon John, Paula Benson.</p> <p>5 Q. I'll take this map down for a second.</p> <p>6 And so after the map's published on</p> <p>7 November 23rd, the senate redistricting</p> <p>8 subcommittee then holds a hearing on November 29th.</p> <p>9 Do you recall that?</p> <p>10 A. Yes, I do.</p> <p>11 Q. For that hearing, were you asked to</p> <p>12 conduct any outreach to members of the public?</p> <p>13 A. I don't recall if I was or not.</p> <p>14 Q. For that hearing, did you prepare any</p> <p>15 materials?</p> <p>16 A. I would have prepared the maps and</p> <p>17 stats as well as copies of the reports, but I don't</p> <p>18 remember if we put anything together or not other</p> <p>19 than that. I can't recall.</p> <p>20 Q. Were you asked by anybody to speak at</p> <p>21 the hearing?</p> <p>22 A. I believe I gave an overview -- I'd</p> <p>23 have to go back and look at the transcript. I</p> <p>24 believe I gave an overview of the staff plan.</p> <p>25 Q. We can -- probably helpful to pull that</p> |

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| <p style="text-align: right;">Page 198</p> <p>1 between the two of us. And that was also known to</p> <p>2 the redistricting staff, as we produced several</p> <p>3 reports for him to take a look at the numbers as</p> <p>4 far as the percentage make-up of the Charleston</p> <p>5 Coun- -- or of the First -- sorry -- the percentage</p> <p>6 make-up of how much of Charleston County was in the</p> <p>7 first congressional district, population-wise.</p> <p>8 Q. Do you recall generally when that</p> <p>9 meeting -- or that phone call -- that phone call</p> <p>10 occurred?</p> <p>11 A. I do not remember the exact time frame.</p> <p>12 I really...</p> <p>13 Q. Was there --</p> <p>14 A. I don't know.</p> <p>15 Q. Was there any discussion with Senator</p> <p>16 Campsen about the total populations or BVAP?</p> <p>17 A. No, not with BVAP. The total</p> <p>18 populations were going to be the same across the</p> <p>19 board between all the districts as they were. It</p> <p>20 was just how much of Charleston County was going</p> <p>21 into the First.</p> <p>22 Q. Got it.</p> <p>23 Did he ask you to do any follow-up</p> <p>24 steps based on that conversation?</p> <p>25 A. Can you clarify what you mean by,</p> | <p style="text-align: right;">Page 200</p> <p>1 it might be. I might have mislabeled this one.</p> <p>2 Do you want to just take a minute to</p> <p>3 review this, what's on the screen, if helpful?</p> <p>4 DEFENSE COUNSEL: Is this on the</p> <p>5 website, John?</p> <p>6 MR. CUSICK: Yeah, this is pulled</p> <p>7 directly from the senate -- it's a press release</p> <p>8 from the senate redistricting subcommittee.</p> <p>9 DEFENSE COUNSEL: I'm handing Will my</p> <p>10 computer. I just pulled it up --</p> <p>11 MR. CUSICK: Perfect.</p> <p>12 DEFENSE COUNSEL: -- so he can see it</p> <p>13 on the screen as well.</p> <p>14 BY MR. CUSICK:</p> <p>15 Q. And so here, it states in the first</p> <p>16 sentence, the senate redistricting subcommittee has</p> <p>17 posted two proposed congressional plans to be</p> <p>18 considered, one of which was referred to generally</p> <p>19 as the senate amendment one plan and the other was</p> <p>20 by Senator Harpootlian.</p> <p>21 Do you recall that?</p> <p>22 A. I'd have to go back and look at what's</p> <p>23 posted online. I don't -- I couldn't tell you what</p> <p>24 these were referring to in this, which two plans.</p> <p>25 Q. After the initial staff plan, did you</p> |
| <p style="text-align: right;">Page 199</p> <p>1 follow-up steps?</p> <p>2 Q. Or, I guess, was there any discussion</p> <p>3 on how that might impact the maps you were drawing</p> <p>4 or working on?</p> <p>5 A. Yeah. So there were multiple maps that</p> <p>6 we had that he was contemplating against -- about</p> <p>7 and, you know, one of them had more of Charleston</p> <p>8 County in the First, which brought the republican</p> <p>9 performance down. One of them had more of</p> <p>10 Charleston County in the Sixth, which increased the</p> <p>11 Trump performance in the First.</p> <p>12 MR. CUSICK: Now I'm going to bring up,</p> <p>13 mainly just for ease of reference purposes, a press</p> <p>14 release by the Senate Judiciary Committee as</p> <p>15 Plaintiff's Exhibit 20. That's on the senate</p> <p>16 redistricting site.</p> <p>17 (PLF. EXHIBIT 20, SENATE JUDICIARY</p> <p>18 COMMITTEE PRESS RELEASE, was marked for</p> <p>19 identification.)</p> <p>20 BY MR. CUSICK:</p> <p>21 Q. Can you see this okay, Mr. Roberts?</p> <p>22 A. Yes.</p> <p>23 DEFENSE COUNSEL: Do you have a tab</p> <p>24 number for this?</p> <p>25 MR. CUSICK: I'm trying to find where</p>   | <p style="text-align: right;">Page 201</p> <p>1 work on a second map that was publicly posted and</p> <p>2 shared?</p> <p>3 A. Yes. That would have been the senate</p> <p>4 amendment one plan.</p> <p>5 Q. Yeah.</p> <p>6 And can you walk me -- who was involved</p> <p>7 in the senate amendment one plan's creation?</p> <p>8 A. That would have been the core</p> <p>9 redistricting group of Andy Fiffick, Charlie</p> <p>10 Terreni, myself, Breeden John, and Paula Benson.</p> <p>11 Q. Anyone else?</p> <p>12 A. Possibly Maura Baker or Madison Faulk.</p> <p>13 They were in and out of the room.</p> <p>14 Q. And were there any differences in the</p> <p>15 data you had available to you for the creation</p> <p>16 of -- or the creation of that map versus the senate</p> <p>17 staff plan?</p> <p>18 A. Not that I can recall. I think we used</p> <p>19 the same data throughout the redistricting process.</p> <p>20 Q. Did you rely on the same priority</p> <p>21 criteria in drawing that map?</p> <p>22 A. The map that was released as senate</p> <p>23 amendment one was -- had the same criteria,</p> <p>24 especially the don't touch the Seventh, Congressman</p> <p>25 Clyburn wants a minimal change, Joe Wilson wants</p>          |

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| <p style="text-align: right;">Page 202</p> <p>1 Fort Jackson, and don't go to Beaufort.</p> <p>2 And then we took -- and that created</p> <p>3 the original staff plan, and then we took the</p> <p>4 public input that we received on the original staff</p> <p>5 plan and made some modifications to the staff plan</p> <p>6 to create this one.</p> <p>7 Q. Got it.</p> <p>8 Did any members -- any senate</p> <p>9 redistricting subcommittee members have input in</p> <p>10 this -- in senate amendment one?</p> <p>11 A. Senator Campsen -- this is the one --</p> <p>12 this is -- Senator Campsen possibly could have had</p> <p>13 some input on this, this being the vehicle that was</p> <p>14 moving forward.</p> <p>15 Q. Anyone else outside of Senator Campsen</p> <p>16 that's part of the redistricting subcommittee?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. And this is mainly just to make sure I</p> <p>19 know if there are any differences, but were there</p> <p>20 any changes in who was responsible for providing</p> <p>21 legal advice on this proposal based on the initial</p> <p>22 staff plan?</p> <p>23 A. Can you repeat that one more time?</p> <p>24 Q. Any differences in the make-up of</p> <p>25 people who might have provided legal advice on this</p>    | <p style="text-align: right;">Page 204</p> <p>1 it was publicly posted?</p> <p>2 A. I don't recall. I can't remember.</p> <p>3 Q. I think I know the answer to this, but</p> <p>4 I've just got to run it down.</p> <p>5 For assessing compliance with the</p> <p>6 public redistricting guidelines, would that have</p> <p>7 remained the same with Mr. Terreni and Mr. Fiffick,</p> <p>8 and potentially outside counsel like Mr. Gore?</p> <p>9 A. The criteria would have remained the</p> <p>10 same throughout the entire process.</p> <p>11 Q. And apologies. Probably a bad question</p> <p>12 on my end.</p> <p>13 For the people who are making</p> <p>14 determinations with whether a plan complied with</p> <p>15 the criteria, would that have been the same folks</p> <p>16 of Mr. Terreni and Mr. Fiffick and any outside</p> <p>17 counsel like potentially Mr. Gore?</p> <p>18 A. They would have been the ones to make</p> <p>19 sure that the map complied with the criteria, yes.</p> <p>20 They would have done the legal analysis.</p> <p>21 Q. I won't run down all the different</p> <p>22 tests I asked you about the first time with RPV and</p> <p>23 district by district, but were there any reports or</p> <p>24 analyses that were conducted on this plan that were</p> <p>25 different or not conducted on the initial senate</p> |
| <p style="text-align: right;">Page 203</p> <p>1 proposal compared to the initial staff plan?</p> <p>2 A. I don't believe so. The staff remained</p> <p>3 the same throughout the entire redistricting</p> <p>4 process.</p> <p>5 Q. Now, that Senator Campsen was involved</p> <p>6 in this process -- I know we talked earlier that</p> <p>7 Mr. Terreni kind of had the final responsibility on</p> <p>8 certain decisions being made.</p> <p>9 Did that change at all with this plan,</p> <p>10 given Senator Campsen might have had some input?</p> <p>11 A. Can you repeat that one more time?</p> <p>12 Q. Got it.</p> <p>13 Was Mr. Terreni -- or, I guess, who had</p> <p>14 primary responsibility for final decisions over the</p> <p>15 way certain districts were drawn in this plan?</p> <p>16 A. That would have been senators</p> <p>17 themselves.</p> <p>18 Q. The full senate subcommittee?</p> <p>19 A. The subcommittee -- the senate</p> <p>20 subcommittee would have voted on the plan, but this</p> <p>21 is what came out of the changes that were made to</p> <p>22 the staff plan from the public input.</p> <p>23 Q. Did you provide or did the core</p> <p>24 redistricting team provide senate amendment one to</p> <p>25 all the redistricting subcommittee members before</p> | <p style="text-align: right;">Page 205</p> <p>1 staff plan?</p> <p>2 A. I'd have to go back and look at all the</p> <p>3 notes and the stat sheets and everything. I can't</p> <p>4 recall what was done on which plan.</p> <p>5 Q. Were there any discussions about</p> <p>6 maintaining, increasing, or decreasing BVAP in any</p> <p>7 of these districts?</p> <p>8 A. Not that I can recall.</p> <p>9 Q. What about how districts might perform</p> <p>10 for black-preferred candidates?</p> <p>11 A. I don't recall any -- any discussion</p> <p>12 about that.</p> <p>13 Q. Could you talk a little bit about how</p> <p>14 public input was incorporated, who made</p> <p>15 determinations for what comments were incorporated?</p> <p>16 A. Certainly.</p> <p>17 At the public hearing that we had on</p> <p>18 the original staff plan, there was a lot of public</p> <p>19 comments we received. One in particular was Joe</p> <p>20 Cunningham, former congressman from the first</p> <p>21 congressional district. He spoke at great length</p> <p>22 about the plan and how it divided communities of</p> <p>23 interest in the Charleston area, how it was drawn</p> <p>24 around racial lines.</p> <p>25 And so we took that into consideration</p>   |

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| <p style="text-align: right;">Page 206</p> <p>1 and moved the lines to follow the natural</p> <p>2 geographic features around Charleston County.</p> <p>3 Q. Anything else for the process of</p> <p>4 incorporating public input?</p> <p>5 A. With the first congressional district,</p> <p>6 we also had public input originally in one of the</p> <p>7 public meetings about the Sun City area of Jasper</p> <p>8 County wanting to be put in the first congressional</p> <p>9 district with the Sun City portion of Beaufort</p> <p>10 County, which is almost right across the road from</p> <p>11 each other, but it's divided by a county boundary.</p> <p>12 So we took that into consideration,</p> <p>13 leading that into -- in the First Congressional</p> <p>14 District. And that's about all I can recall as far</p> <p>15 as public input on the first congressional</p> <p>16 district, which we went through and changed.</p> <p>17 Q. Before it was publicly posted on</p> <p>18 January 11th, but after it was -- it was finalized,</p> <p>19 the drawing part of it, were there any discussions</p> <p>20 about the BVAP in any of the districts?</p> <p>21 A. Not that I can recall.</p> <p>22 Q. Was it shared with anyone else, the</p> <p>23 final version, before it was publicly posted,</p> <p>24 outside of the core redistricting team?</p> <p>25 A. Not that I can recall. It might have</p> | <p style="text-align: right;">Page 208</p> <p>1 A. Vaguely, yes.</p> <p>2 Q. Did you review at all senate amendment</p> <p>3 two?</p> <p>4 A. I put the map and stats and reports</p> <p>5 together for senate amendment two, yes.</p> <p>6 Q. Did you conduct -- or did the core</p> <p>7 redistricting team conduct any assessment of this</p> <p>8 plan for how it compared to senate amendment one?</p> <p>9 A. You'd have to ask them.</p> <p>10 Q. By, them...</p> <p>11 A. The core redistricting team you just</p> <p>12 referenced.</p> <p>13 Q. But you were not asked to conduct any</p> <p>14 review or analysis?</p> <p>15 A. I wasn't conducting any legal analysis</p> <p>16 on this. I was providing maps and stats for the</p> <p>17 binders.</p> <p>18 Q. Outside of legal analyses, did you</p> <p>19 conduct any review on senate amendment two?</p> <p>20 A. Not that I recall.</p> <p>21 Q. Do you see on Page 20 that's up on the</p> <p>22 screen lines 4, 5, and 6 have been highlighted?</p> <p>23 Can you read that for me?</p> <p>24 A. It says, and more closely adheres to</p> <p>25 continuity objectives under the committee's</p>   |
| <p style="text-align: right;">Page 207</p> <p>1 been sent to members. I just -- I don't remember.</p> <p>2 MR. CUSICK: I'm now going to bring</p> <p>3 up -- this is Tab 4, and it's the transcript from</p> <p>4 the January 11th -- or January 13, 2022 hearing.</p> <p>5 I'll pull it up on the screen in a moment. This is</p> <p>6 Plaintiff's Exhibit 22 (sic). It's in Tab 4.</p> <p>7 (PLF. EXHIBIT 21, 1/13/2022 VIDEO</p> <p>8 TRANSCRIPTION, was marked for identification.)</p> <p>9 BY MR. CUSICK:</p> <p>10 Q. I'm not going to go over this entire</p> <p>11 transcript. I kind of want to focus your attention</p> <p>12 to Mr. Oppermann's testimony, if you recall that.</p> <p>13 And I'll direct you to turn to Page --</p> <p>14 and I'll bring it up on the screen. It's Page 18,</p> <p>15 it begins at. I have it up on the screen, but let</p> <p>16 me know if you can see that or have it up in front</p> <p>17 of you.</p> <p>18 A. Yes, I've got it.</p> <p>19 Q. So he refers here in line 4 and 5,</p> <p>20 offering testimony on behalf of what he calls, the</p> <p>21 whole county map, which has been designated as</p> <p>22 senate amendment two. I think it also had been</p> <p>23 referred to as the Harpootlian amendment at this</p> <p>24 stage.</p> <p>25 Do you recall that?</p>  | <p style="text-align: right;">Page 209</p> <p>1 guidelines.</p> <p>2 Q. Did you or anyone in the core</p> <p>3 redistricting team assess whether this statement</p> <p>4 was accurate?</p> <p>5 A. I don't recall.</p> <p>6 Q. Did you have any opinion of that</p> <p>7 statement based on senate amendment one?</p> <p>8 A. According to the software that we used,</p> <p>9 the Maptitude software, both plans are contiguous.</p> <p>10 Q. Then on the same page, he states, the</p> <p>11 whole county map more closely hues to the regions,</p> <p>12 the distinct regions of the state.</p> <p>13 Did you or anyone on the core</p> <p>14 redistricting team assess whether that statement</p> <p>15 was accurate as compared to the senate amendment</p> <p>16 one plan?</p> <p>17 A. I don't recall.</p> <p>18 Q. On Page 21, lines 21 to 25, he states,</p> <p>19 with respect to minimal county splits, clearly the</p> <p>20 whole county map is preferable in this sense to</p> <p>21 amendment one or the plan passed by the house,</p> <p>22 which have ten county splits, that is not</p> <p>23 necessary.</p> <p>24 Did you or anyone assess whether that</p> <p>25 statement was accurate?</p> |

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| <p style="text-align: right;">Page 218</p> <p>1 Q. I'll pivot to a different question.</p> <p>2 How could anyone outside of the core</p> <p>3 redistricting team know that they met criteria on</p> <p>4 maps if you didn't disclose the instructions that</p> <p>5 were given to you by members that were not included</p> <p>6 in the redistricting criteria?</p> <p>7 A. You lost me. You keep -- can you</p> <p>8 clarify that question?</p> <p>9 Q. How could anybody outside of the</p> <p>10 redistricting core team who submitted maps know</p> <p>11 that they met their criteria if there were certain</p> <p>12 criteria that were not publicly disclosed that you</p> <p>13 and other members were elevating or relying upon?</p> <p>14 DEFENSE COUNSEL: Object to form.</p> <p>15 A. Could you clarify that one more time?</p> <p>16 I'm getting a little confused.</p> <p>17 Q. Let's -- do you agree that the senate</p> <p>18 redistricting subcommittee adopted a set of</p> <p>19 criteria that guided their work?</p> <p>20 A. Yes.</p> <p>21 Q. And we've already talked about that</p> <p>22 there was a set of instructions that you and the</p> <p>23 core redistricting team were aware of, correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And those instructions were not at all</p>  | <p style="text-align: right;">Page 220</p> <p>1 redistricting team?</p> <p>2 A. The public would not have known the</p> <p>3 recommendations that were made by Congressman</p> <p>4 Clyburn and Congressman Wilson.</p> <p>5 Q. And so if they didn't know about those</p> <p>6 recommendations, how would they then contact their</p> <p>7 congress members to ask them about instructions</p> <p>8 that might impact redistricting?</p> <p>9 A. I guess they could have picked up the</p> <p>10 phone or emailed.</p> <p>11 Q. But how would they know if the senate</p> <p>12 core redistricting team didn't provide or share</p> <p>13 that there were instructions they were given or</p> <p>14 recommendations they were given that guided the</p> <p>15 maps that were being drawn?</p> <p>16 A. Can you repeat that one more time?</p> <p>17 Q. How would they know to pick up the</p> <p>18 phone to call their congress members to discuss</p> <p>19 criteria or recommendations that only the core</p> <p>20 redistricting team knew about and guided their work</p> <p>21 and were not publicly disclosed?</p> <p>22 A. They would not have known about the</p> <p>23 recommendations.</p> <p>24 Q. Did Senator Bright Matthews know about</p> <p>25 these instructions?</p> |
| <p style="text-align: right;">Page 219</p> <p>1 publicly disclosed, right?</p> <p>2 A. That's correct.</p> <p>3 Q. And they were not within the</p> <p>4 redistricting guidelines adopted by the senate?</p> <p>5 A. That's correct.</p> <p>6 Q. And so how would anybody outside of the</p> <p>7 core redistricting team who submitted maps know</p> <p>8 whether they met the criteria the core</p> <p>9 redistricting team was relying upon?</p> <p>10 A. See, I -- I would say that the</p> <p>11 guidelines were publicly available. The don't</p> <p>12 touch the Seventh, Clyburn wants a minimal-change</p> <p>13 District Six, Joe Wilson doesn't want to go to</p> <p>14 Beaufort and he wants to keep Fort Jackson, I would</p> <p>15 say those are recommendations that the core</p> <p>16 redistricting group decided to use in drawing the</p> <p>17 map, and not actual criteria.</p> <p>18 Q. Yep, you -- you've already conceded</p> <p>19 that point, but I'm asking, if those</p> <p>20 recommendations that you testified earlier to were</p> <p>21 relied upon in the maps you were drawing were only</p> <p>22 known to the core redistricting team, how would</p> <p>23 members of the public know that the maps they</p> <p>24 submitted complied with criteria that was only</p> <p>25 internally being relied upon by the core</p> | <p style="text-align: right;">Page 221</p> <p>1 A. You'd have to ask her. I don't know</p> <p>2 what she knows and what she doesn't know.</p> <p>3 Q. Did you ever discuss them with her?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did you ever discuss it with Senator</p> <p>6 Sabb?</p> <p>7 A. I don't recall.</p> <p>8 Q. Did you ever tell her about these</p> <p>9 instructions, either her or Senator Sabb?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you think it would have been helpful</p> <p>12 so either one of those members could have then</p> <p>13 shared that with their constituents?</p> <p>14 A. It would have been helpful, yes.</p> <p>15 Q. What about to Mr. Oppermann?</p> <p>16 A. Yes, it would have been helpful to him</p> <p>17 as well.</p> <p>18 Q. Senator Harpootlian?</p> <p>19 A. Would have been helpful as well, but I</p> <p>20 don't know if he -- if that was relayed to him or</p> <p>21 not.</p> <p>22 Q. How about for any of the senators who</p> <p>23 offered amendments?</p> <p>24 A. That would have been helpful as well,</p> <p>25 but I don't know if they were aware or not.</p>   |

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| <p style="text-align: right;">Page 238</p> <p>1 one plan was voted out of the redistricting<br/> 2 subcommittee. Do you recall that?<br/> 3 A. I don't recall it, but I'll take your<br/> 4 word for it.<br/> 5 Q. I guess, did you -- for the senate<br/> 6 amendment one plan, did you work out any changes or<br/> 7 iterations of it that were considered after the<br/> 8 public hearing?<br/> 9 A. I don't recall.<br/> 10 Q. I'm now going to pull up some maps --<br/> 11 or stats that were included in maps because I<br/> 12 unfortunately do not have Maptitude, so there were<br/> 13 certain things I could not open on this computer,<br/> 14 but hopefully some of them might -- you might<br/> 15 recall, and there are some maps. So the first<br/> 16 one --<br/> 17 MR. CUSICK: Mr. Gore, these will be<br/> 18 the tabs beginning on 35, and they're a series of<br/> 19 different maps. The first one is Tab 35, marked as<br/> 20 Plaintiff's Exhibit 27. It's got a Bates stamp<br/> 21 ending in 25791, and it's titled, 7 Member<br/> 22 Republican Plan Stats. I'll pull it up on the<br/> 23 screen as well.<br/> 24 (PLF. EXHIBIT 27, 7 MEMBER REPUBLICAN<br/> 25 PLAN STATS, was marked for identification.)</p> | <p style="text-align: right;">Page 240</p> <p>1 2020 election data returns?<br/> 2 A. That's correct.<br/> 3 MR. CUSICK: And now for what are Tabs<br/> 4 36 and Tab 49, these will be -- Tab 36 will be<br/> 5 Plaintiff's Exhibit 28. It's titled, 7 Member<br/> 6 Republican Plan 2 Stats, with a Bates number ending<br/> 7 in 25798.<br/> 8 (PLF. EXHIBIT 28, 7 MEMBER REPUBLICAN<br/> 9 PLAN 2 STATS, was marked for identification.)<br/> 10 MR. CUSICK: And then Plaintiff's<br/> 11 Exhibit 29 is in Tab 49, with a Bates stamp ending<br/> 12 in South Carolina Senate 26828.<br/> 13 And they both are stats for the same<br/> 14 plan. Give me one moment to just pull those up.<br/> 15 (PLF. EXHIBIT 29, IMAGE FILE, was<br/> 16 marked for identification.)<br/> 17 DEFENSE COUNSEL: Sorry, John. This<br/> 18 second tab, which one was it, 37?<br/> 19 MR. CUSICK: 36, and then the second<br/> 20 one is 49.<br/> 21 DEFENSE COUNSEL: Thank you.<br/> 22 BY MR. CUSICK:<br/> 23 Q. And so the first one here is -- can<br/> 24 you -- I'll zoom in. Do you see, seven-member<br/> 25 republican plan two stats?</p> |
| <p style="text-align: right;">Page 239</p> <p>1 BY MR. CUSICK:<br/> 2 Q. Do you have that in front of you,<br/> 3 Mr. Roberts, or can you see it?<br/> 4 A. Yes.<br/> 5 Q. Did you draw this map or do you recall<br/> 6 what plan this refers to?<br/> 7 A. Yes, I do recall this.<br/> 8 Q. Who drew this map?<br/> 9 A. I did.<br/> 10 Q. And who directed you to draw it?<br/> 11 A. I don't recall if it was Andy -- it was<br/> 12 either Andy Fiffick or Senator Wes Climer.<br/> 13 Q. Sorry. Senator who?<br/> 14 A. Wes Climer.<br/> 15 Q. Climer?<br/> 16 A. C-L-I-M-E-R.<br/> 17 Q. And I assume this means seven members<br/> 18 of the republican party for each -- all seven<br/> 19 congressional districts should be republican under<br/> 20 this map?<br/> 21 A. That is correct.<br/> 22 Q. Do you recall when it was created?<br/> 23 A. I do not.<br/> 24 Q. What did you do to determine whether<br/> 25 these districts would perform? Just looking at</p>   | <p style="text-align: right;">Page 241</p> <p>1 A. Yes.<br/> 2 Q. Is this a different plan from the one<br/> 3 we just discussed?<br/> 4 A. I'd have to see the maps.<br/> 5 Q. Do you recall who directed you to draw<br/> 6 any other seven-member republican plans?<br/> 7 A. It would have been either Andy Fiffick<br/> 8 or Senator Wes Climer again.<br/> 9 Q. Got it.<br/> 10 There are quite a few maps, so I'm just<br/> 11 trying to get my bearings to make sure we have the<br/> 12 intel. I think this next one should be a little<br/> 13 easier to discern.<br/> 14 MR. CUSICK: This is --<br/> 15 (Background noises).<br/> 16 MR. CUSICK: Let's go off record for a<br/> 17 moment.<br/> 18 (Off-the-record conference)<br/> 19 MR. CUSICK: I pulled up what is marked<br/> 20 as Plaintiff's Exhibit 30. This is Tab 37. It's<br/> 21 labeled, Sabb Charleston Beaufort whole stats.<br/> 22 (PLF. EXHIBIT 30, SABB CHARLESTON<br/> 23 BEAUFORT WHOLE STATS, was marked for<br/> 24 identification.)<br/> 25</p>   |

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| <p style="text-align: right;">Page 250</p> <p>1 you continue to work on any other redistricting</p> <p>2 efforts outside of South Carolina?</p> <p>3 A. No, not outside of South Carolina.</p> <p>4 Q. I think otherwise, that's all the</p> <p>5 questions I have on my end.</p> <p>6 MR. CUSICK: I just want to say thanks</p> <p>7 again, and we'll turn it over to -- I don't know if</p> <p>8 first Mr. Mathias or Ms. Trinkley have any</p> <p>9 questions, and then to Mr. Gore and Mr. Tyson.</p> <p>10 MR. MATHIAS: No questions.</p> <p>11 MS. TRINKLEY: I have no questions, and</p> <p>12 I do not need a copy of the transcript.</p> <p>13 MR. CUSICK: Well, I appreciate that</p> <p>14 optimism. I'm not sure if Mr. Gore or Mr. Tyson</p> <p>15 have any other questions that they want for...</p> <p>16 DEFENSE COUNSEL: I do have some</p> <p>17 questions. Can we take just a two-minute break?</p> <p>18 MR. CUSICK: Yes, yes, totally.</p> <p>19 (After a recess, proceedings were</p> <p>20 continued as follows:)</p> <p>21 EXAMINATION</p> <p>22 BY MR. GORE:</p> <p>23 Q. Mr. Roberts, Mr. Cusick's asked you</p> <p>24 several questions today about -- (inaudible).</p> <p>25</p> | <p style="text-align: right;">Page 252</p> <p>1 Do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. Did I ever draw any maps?</p> <p>4 A. No.</p> <p>5 Q. Did I ever direct the drawing of any</p> <p>6 district lines?</p> <p>7 A. No.</p> <p>8 Q. Did I ever share any maps that someone</p> <p>9 else had drawn?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 Mr. Cusick asked you about public</p> <p>13 comments that the redistricting project was rigged.</p> <p>14 Do you remember that conversation?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Do you think the process was rigged?</p> <p>17 A. No.</p> <p>18 Q. How would you describe the process?</p> <p>19 A. I'd say it was a pretty transparent</p> <p>20 process as far as the map drawing and the</p> <p>21 information that's available to the public. I'd</p> <p>22 say that politics really drove the decisions that</p> <p>23 were made on the map.</p> <p>24 Q. Can you elaborate on that?</p> <p>25 A. Senator Campsen really played a large</p>  |
| <p style="text-align: right;">Page 251</p> <p>1 (Off-the-record conference to address a</p> <p>2 technical issue)</p> <p>3 BY MR. GORE:</p> <p>4 Q. Mr. Cusick's asked you several</p> <p>5 questions today about the National Republican</p> <p>6 Redistricting Trust maps.</p> <p>7 Do you recall that conversation?</p> <p>8 A. Yes, I do.</p> <p>9 Q. Do you recall how long you spent</p> <p>10 reviewing those maps when they were submitted?</p> <p>11 A. We pulled them up and maybe spent five</p> <p>12 to ten minutes on them. It was not very long at</p> <p>13 all.</p> <p>14 Q. What did you think of those maps?</p> <p>15 A. They looked like crap, is what I told</p> <p>16 our staff, our legal team, that there was bizarre</p> <p>17 shapes that made no sense of why they drew the</p> <p>18 districts like they did.</p> <p>19 Q. What, if anything, did you do with</p> <p>20 those maps?</p> <p>21 A. Just kept them on the computer and</p> <p>22 moved on to the next.</p> <p>23 Q. Mr. Cusick also asked you several</p> <p>24 questions about Zoom meetings in which I</p> <p>25 participated as outside counsel.</p>  | <p style="text-align: right;">Page 253</p> <p>1 role in determining which map made it to the</p> <p>2 full -- to the -- out of subcommittee, and he</p> <p>3 really wrestled with the fact that, you know, he</p> <p>4 was moving a large chunk of Charleston out of the</p> <p>5 first congressional district, which was his home</p> <p>6 county. And he was having to determine, do I want</p> <p>7 more of Charleston or do I want more republican</p> <p>8 representation in the first congressional district.</p> <p>9 And so that was a real political decision he had to</p> <p>10 make.</p> <p>11 Q. And did he ever tell you which decision</p> <p>12 he made?</p> <p>13 A. Yes, he did. He told me he was going</p> <p>14 with the plan that had the higher Trump percentage</p> <p>15 over more of Charleston.</p> <p>16 Q. Now, earlier this morning, you</p> <p>17 discussed whether you considered BVAP with</p> <p>18 Mr. Cusick.</p> <p>19 Do you remember that?</p> <p>20 A. Yes.</p> <p>21 Q. And he asked you whether considering</p> <p>22 BVAP is helpful in drawing a plan and whether you</p> <p>23 did on past clients.</p> <p>24 Do you remember that?</p> <p>25 A. Yes.</p> |